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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,983	10/19/2001	Yasuhiro Iwamura	215141US2	7491

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

GREENE, DANIEL LAWSON

ART UNIT	PAPER NUMBER
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3694

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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TECHNOLOGY CENTER 3600

Oblon, Spivak, McClelland, Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

In re application of	:	DECISION ON PETITION
Yasuhiro Iwamura et al	:	FOR FIFTH SUSPENSION
Application No. 09/981,983	:	OF ACTION UNDER
Filed: October 19, 2001	:	37 CFR 1.103 (a)
For: NUCLIDE TRANSMUTATION DEVICE		
AND NUCLIDE TRANSMUTATION METHOD		

This letter is responsive to the petition for a fifth suspension of action under 37 CFR 1.103(a) received on February 25, 2008.

The petition for suspension of action under 37 CFR 1.103(a) is **DENIED**.

A grantable petition for suspension of action under 37 CFR 1.103(a) requires:

- 1) A showing of good and sufficient cause for suspension of action, and
- 2) The fee set forth in 37 CFR 1.17(g), unless such cause is the fault of the Office.

Applicant filed a petition on August 5, 2005 to suspend action by the examiner until a cooperative experiment could be conducted by an Independent Administrative Institution, RIKEN, which experiment has apparently since been completed. A decision granting a 6 month suspension was mailed August 15, 2005. In a subsequent petition filed April 4, 2006, the applicant indicates that additional cooperative research between the U.S. Naval Research Laboratory (NRL) and Mitsubishi Heavy Industries, Ltd on the subject matter of applicant's invention has been ongoing since May 20, 2005 and scheduled to continue until May 2007. This petition was granted on May 8, 2006. A third petition filed November 8, 2006 indicated that this schedule remained unchanged. This third petition was granted on December 6, 2006. A fourth suspension request filed June 6, 2007 was granted for the same reason as the third on August 24, 2007. The instant petition indicates that the above research has currently been suspended. The applicant believes that the result of the research will provide experimental results in support of operability of the present invention that applicant would like to submit upon its publication. In this last decision, applicant was put on notice regarding what would be required to receive any further suspensions. The decision stated "at the conclusion of this latest period of suspension, applicant will have had 24 months of time to complete the experimental testing. Suspensions of action cannot go on indefinitely. As

a result, applicant should not expect to receive another suspension at the conclusion of this latest 6 month suspension period. Any such future request will need to go into specific detail as to what experimental procedures have taken place, when they occurred, and why they could not have been completed by the end of this suspension period. Specific evidence would need to be provided as to why non-completion of the required testing by the end of 24 months was unavoidable".

In this latest petition applicant indicates that he wishes to submit the findings of the NRL experimental results when they become available. Applicant also provides attached reports related to the subject matter of his application.


However, in the last decision, applicant was required to specifically outline what experimental procedures have taken place, and when they occurred. It would appear that no actual testing at the NRL has yet been completed by the applicant. The exhibits provided appear to be papers completed by 3rd parties related to the claimed subject matter, and are not the laboratory testing desired by the applicant that has been the reason for the numerous suspensions of prosecution. Applicant was also required to show specific evidence as to why, after 24 months, the non-completion of the desired laboratory testing was unavoidable. There does not appear to be any unavoidable justification for why the desired testing has not yet been completed.

Given that there appears to be no clear end in sight for completion of the desired testing, and that applicant has not supplied the necessary justification for why completion has not yet occurred, no further suspension is seen as being warranted at this time.

In view of the above facts, the petition for a fifth suspension of action is **DENIED**. The application will be forwarded to the examiner of record to treat applicant's August 5, 2005 Request for Continued Examination (RCE).

Any request for a suspension of action under 37 CFR 1.103(c) should be filed under separate cover as such a request is decided by separate criteria and by a separate deciding entity.

Any questions surrounding this decision should be directed to Quality Assurance Specialist Steven Meyers at (571) 272-6611.



Donald Hajec, Director
Technology Center 3600
(571) 272-5150

snm: 3/13/08

